IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 23443 of 2005

For Approval and Signature:

HONOURABLE MR.JUSTICE M.R. SHAH

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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PRAFULKUMAR JAYANTILAL SHAH - Petitioner(s)

Versus

STATE OF GUJARAT & 2 - Respondent(s)

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Appearance :

MR TUSHAR MEHTA for Petitioner(s) : 1,
GOVERNMENT PLEADER for Respondent(s) : 1,
None for Respondent(s) : 2 - 3.

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CORAM : HONOURABLE MR.JUSTICE M.R. SHAH

Date : 26/12/2005

ORAL JUDGMENT

1.In this petition under Article 226 of the Constitution of India, the petitioner has prayed for an appropriate writ, direction or order quashing and setting aside the order dated 9.11.2005 passed by the Deputy Secretary,

Food & Civil Supplies & Consumer Affairs Department, State of Gujarat passed in Revision Application No.64 of 2003 in dismissing the same and confirming the order passed by the Collector, Surendranagar dated 15.10.2003 passed in appeal No.1 of 2003 as well as the order passed by the Mamlatdar, Vadhvan dated 14.7.2003 by which the Mamlatdar, Vadhvan has cancelled the retail license of the petitioner to sell kerosene on the ground that at the relevant time the petitioner was having retail license as well as wholesale license to sell kerosene and as per the policy of the State Government, the petitioner can have only one license that is either wholesale license or retail license and though option was given to the petitioner, the petitioner insisted to continue both the licenses.

2. Today, when the matter is called out, Shri Tushar Mehta, learned advocate appearing on behalf of the petitioner has submitted that at the relevant time the petitioner was not properly advised and he contested the claim and insisted for continuation of both the licenses i.e. retail license as well as wholesale license and now in view of the change policy of the State Government, the petitioner would not like to

continue with the wholesale license as even otherwise after 31st December, 2005 the same will not be continued in favour of the petitioner and therefore, the petitioner would like to continue the retail license. He has submitted that the petitioner will be making an appropriate application for issuance of fresh retail license to sell the kerosene within a period of 2 weeks from today. On receipt of the same, the appropriate authority is directed to consider the same and issue fresh retail license in accordance with law and on merits and in any way without being influenced by the earlier order, as early as possible preferably within a period of 6 weeks from the date of receipt of such application.

3. With these observations and direction, the present Special Civil Application is disposed of.

Direct Service is permitted.

(M.R.SHAH, J.)

kdc.